IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7813 OF 2005.

Ranjan M. Parikh. ... Petitioner.

V/s.

The Chairman,
Jogeshwari Kelvani Mandal
and others. ... Respondents.

M.P.Vashi for the petitioner.

A.V.Sathe for respondent Nos.1 to 4.

CORAM: V.C.DAGA, J.

DATED: 21st December 2005.

P.C.:

. Heard.

2. This petition is directed against the order dated 16th September, 2005 passed by the Presiding Officer, School Tribunal, Bombay, whereby the Tribunal has directed reinstatement of the petitioner with liberty to the management to proceed with the second enquiry.

3. The learned counsel appearing for the management tried to support the impugned order. However, during the course of hearing, both parties agreed that the impugned order be set aside by consent of parties without recording any reasons and without examining the merits and/or demerits thereof and the matter may be remitted

back to the Tribunal for hearing afresh.

4. In this view of the matter, impugned order is set aside without recording any reasons.

Petition is allowed.

5. Matter is remanded to the Tribunal for consideration afresh. The Tribunal is directed to hear and decide the appeal afresh as expeditiously as possible, at any rate, within a period of eight weeks from the date of receipt of this order. It would be open for the Tribunal to consider the appeal on the basis of law laid down by the Apex Court in the case of **U.P.State Textile Corpn.Ltd. v. P.C.Chaturvedi and others**, (2005) 8 SCC 211. It would be open for the rival parties to canvass their respective submissions before the Tribunal.

All rival contentions are kept open.

6. Petition stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)